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SUBJECT: SLOVENIA: HOLOCAUST ISSUES SPECIAL ENVOY VISIT  
URGES MOVEMENT ON JEWISH RESTITUTION

REF: LJUBLJANA 86

Classified By: COM for reasons 1.4 (b) and (d)

11. (C) SUMMARY. Special Envoy for Holocaust Issues J. Christian Kennedy held meetings with Slovene officials and research institute, diplomatic and Jewish community representatives February 19 and 20 to press for a fair and timely resolution of long-standing Jewish communal property restitution issues. GoS representatives insisted that the Government has the political will to move forward in a fair and evenhanded way. Despite tension among parties involved and the widely diverging views on which properties should appropriately be included in an ultimate settlement, there is hope that a soon-to-be-completed documentary study funded by the World Jewish Restitution Organization (WJRO) will provide a substantive basis for future discussions. WJRO Director Dan Mariaschin is scheduled to visit Ljubljana after completion of the study, to begin negotiations with the GoS on the properties and beneficiaries to be compensated, the overall amount of the settlement, and creation of a legal mechanism to allow the GoS to pay any claims. END SUMMARY.

12. (U) Special Envoy for Holocaust Issues J. Christian Kennedy met on February 19 and 20 with representatives of the Jewish Community of Slovenia (JCS), the Institute for Ethnic Studies (IES), the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MOJ), the government's Office for Religious Communities, and officials from the Israeli and Vatican diplomatic representations in Slovenia. Post's PolOff and ConOff accompanied Kennedy to the meetings.

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GoS Saying Right Things About Jewish Property Restitution  
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13. (SBU) In a meeting with Janko Koren, Chief of Staff for Minister of Justice Lovro Sturm, Koren was clearly well informed about the topic, promising to resolve issues in a "fair and evenhanded way" that will show the GoS's good will towards Slovenia's small but fragile Jewish community. Koren, who noted his more than 50 years of friendship with Minister Sturm, spoke of the intense complexity of the issue, MOJ efforts to move forward, and the roadblocks that have stymied progress over the past few years. He detailed a failed effort for MOJ researchers to work with Institute for Ethnic Studies researchers on a joint project to identify Jewish property, blaming the problem on the unwillingness of IES researchers to share information. He briefly discussed the MOJ's study of the issue, titled "Jewish Property in Slovenia in the 20th Century," and told Kennedy that he eagerly awaited the results of the IES's separate study to compare notes. Koren was aware that WJRO Director Dan Mariaschin is tentatively scheduled to travel to Slovenia in mid-March and felt that a visit by Mariaschin will be much more useful if it comes after the GoS has adequate time to

review the IES study. NOTE: Koren made clear that the GoS preferred to defer any meetings with the JCS or WJRO until officials have a chance to review the IES study, saying that a meeting should be scheduled two weeks after the IES study is released. He also expressed preference that Mariaschin not meet with the full Commission for Religious Questions, saying that it would make planning for his visit significantly more complicated and would result in a less useful outcome. END NOTE.

¶4. (C) Koren talked in detail about the fact that the issue only concerned heirless and communal property, as opposed to private property with heirs, which should be handled through the normal property denationalization process. He said any settlement on communal and heirless property was likely to be "financial and maybe some property," noting that the GoS would like to give a major building, for example Vila Moskovic (a home in Ljubljana legally sold after the war, nationalized and used by high level communist party organizations, and currently occupied by the Social Democrats Party) to the JCS as a sign of good will. He detailed the way forward as a series of steps: beginning with negotiations on the properties in question (using the MOJ and IES reports as starting points), moving to an agreement on the settlement amount and the proper beneficiary (Koren said WJRO would be the "most likely" candidate rather than the Jewish Community of Slovenia), and then producing a draft law to create a "legal basis for the settlement." Koren's message throughout the meeting was that the GoS intended to do the right thing by the Jewish community. He concluded by saying that he felt Slovenia has "the most liberal denationalization laws in all of Europe," noting that 94.6% percent of all claims have been adjudicated and saying that many of the remaining cases are the most difficult, often because of documentation problems.

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Koren also spoke briefly (and unofficially) about a new law on denationalization -- currently in draft form as the "Denationalization Completed Act" and reported in refTel -- that would put a deadline on the resolution of claims but would give those with rejected claims a "second chance" to appeal. Kennedy urged Koren to move the process forward as rapidly as the GoS can, and expressed hope that on a return trip it would be possible to talk about concrete progress.

¶5. (SBU) Ministry of Foreign Affairs officials Roman Kirn, Head of the Americas Department, and Bogdan Benko, Director General for Bilateral Affairs, told Kennedy that the GoS has the "political will" to move forward on resolving long-standing Jewish property restitution issues. MFA officials also said Slovenia likely would join the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research, at least initially as an observer.

Kennedy commented that he had discussed details of countries' joining the task force with Slovenia's Ambassador in Washington, Samuel Zbogar. Kennedy told MFA officials that foreign ministries are generally the best participants for governments in the plenary meetings, but the substantive work on education and research gets done in the working groups where NGOs and academics design the high quality programs for which the Task Force is well-known.

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Jewish Community: Small, Fragile, and Looking for Money to Help it Grow  
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¶6. (SBU) Jewish Community of Slovenia President Andrej Kozar Beck and Slovenian Chief Rabbi Ariel Hadad told Kennedy about efforts over the last decade to resuscitate the Jewish community, including cooperation with the American Jewish Joint Distribution Committee (AJJDC) to meet the basic needs of the community in the late 1990s (including an office, torah, chief rabbi, etc.), and cooperation with other Jewish communities in the region, such as in Trieste and Rijeka. Their efforts, according to Kozar Beck, include public

gatherings for the biggest Jewish religious holidays, lectures, study groups, Hebrew classes, and other activities.

They said the community had largely avoided fractionalization (because of its small size) and members are able, with some difficulty, to abide by religious rules like keeping kosher with the assistance of nearby larger Jewish communities. Rabbi Hadad said that he had personally never been subject to anti-Semitism in Slovenia and that generally anti-Semitism is not expressed in everyday life in Slovenia (which he said was in stark contrast to his experiences in his native Italy and in Croatia). However, when asked if anti-Semitism exists, he said that he believed that "it exists in Slovenia as much as anti-Semitism is always alive, everywhere." He noted that "when things get important, roadblocks tend to come up" and contrasted the less cooperative feeling between the JCS and the GoS with the highly cooperative and close relationship the GoS maintains with the Catholic Church and strong GoS efforts to push forward on Catholic Church property denationalization efforts. Rabbi Hadad spoke about his desire to create Holocaust programs for Slovenian teachers, citing the success of similar programs in Italy that include a one day "crash course" of basic education.

17. (C) In response to questions about Holocaust survivors' needs, Kozar Beck told Kennedy that the approximately 10 remaining Holocaust survivors in Slovenia are very old but well cared for by family, and that helping survivors is not an issue. He said that in terms of the needs of the JCS, "the only need right now is money," noting that support from the AJJDC was helpful but modest, that both he and Rabbi Hadad funded many events out of pocket, and that after 10 years, the JCS simply needs more funds to support its programs and help it grow. Rabbi Hadad backed Kozar Beck saying that "while it is sad to have to talk about money, when the question arises about how we grow the community, the answer is money."

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Personality Problems in JCS Muddy the Waters  
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18. (C) In a separate meeting with Israeli DCM Galit Ronen (based out of Vienna, covering Slovenia), Ronen spoke critically of Kozar Beck, saying that he was a "personality problem" and was uncooperative with the researchers conducting the WJRO-funded study at the IES, refusing to share the JCS's archives and making nasty allegations against them. She expressed significant concern that Kozar Beck "just wants to make money off of the (Jewish restitution)

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issue," has "grand plans" for the settlement money, and is "falling into all of the worst anti-Semitic stereotypes." She was worried about a "worst case scenario" publicity problem if the negotiations go wrong, saying that it could generate stereotypical anti-Semitic feelings in the Slovenian populace. At a dinner hosted by DCM Maryruth Coleman on February 19, Kozar Beck repeated allegations he has made previously to EmbOffs alleging that GoS agents attempted to kill him after a particularly contentious meeting with GoS representatives. He also suggested that documentary proof of Jewish property ownership was very meager but argued that "justice" rather than concrete evidence should be the basis of a generous GoS settlement.

19. (C) Ronen added that she felt Minister of Justice Lovro Sturm was a problem as well, citing the past correspondence between his office and Dan Mariaschin that some members of the Jewish community in Slovenia have interpreted as anti-Semitic. Ronen said the GoI position was to step aside and let the WJRO take the lead, but that she would be surprised if the WJRO is able to negotiate a large settlement. She indicated that the specifics of any settlement (properties, financial figures, etc.) was of significantly less concern to the GoI than the principle that

the GoS would take care of its Jewish Community. She also said the GoS would "be happy to make this issue disappear" and opined that this might spur the GoS to cut a deal and pay a settlement. She reiterated that she believed making a long-term commitment to educating Slovenes about the Holocaust and tolerance was far more important than a rich settlement. Despite her negative feelings toward Sturm, she said he had exhibited "no clear anti-Semitism."

¶10. (C) Hannah Starman, the lead researcher on the WJRO-funded study being conducted at the Institute for Ethnic Studies, agreed with Ronen's assessment of Kozar Beck and the GoS in a separate meeting with the COM on February 16. She spoke of her frustration with Kozar Beck for limiting her access to the JCS archive and acting in a hostile manner towards her after she nearly defeated him in an election for the presidency of the JCS. She said that she had also been blackballed by the GoS, having her loyalties questioned by the head of the Institute for Ethnic Studies and having her security clearance renewal denied (eliminating her primary source of income: freelance interpretation for the Prime Minister's Office). Starman told COM that she will complete the IES's Jewish property study in mid-March and then depart for a new position in Luxembourg in April because she "no longer has a professional future in Slovenia."

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Moving Forward: Reconciling Studies, Crafting a Settlement  
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¶11. (SBU) Currently the MOJ's is the only study of Slovenian Jewish property available. Koren indicated that it was the GoS "starting point" but that he was looking forward to seeing the IES study upon its completion. IES researchers Starman and her collaborator Irena Sumi criticized the MOJ study, telling PolOff it is incomplete, poorly informed, and potentially offensive. They also said that it appears to exclude as much Jewish property in Slovenia as possible. Starman said the MOJ study used data from a previous, amateur study conducted by two young members of the Slovenian Jewish Community.

¶12. (SBU) On February 20 at IES, Starman told Kennedy that the IES study was planned for completion by mid-March (in time for Mariaschin's tentative visit), with a full, searchable database of scanned property records to be completed at a later date. According to more recent information from the WJRO, the study completion date will be slightly later, in mid to late April. She outlined the study's scope, saying that it would cover communal property, industrial property, individual property of survivors, individual property of survivors who left for Israel, and individual property that was left heirless when all known owners and potential heirs perished in the Holocaust. The IES study will be comprehensive, including all of the properties discussed in the MOJ study, but potentially many more. It will address several of the complexities of the issue including people who were forced to sign away their property and their rights to it upon emigrating to Israel, and people who declared themselves to be German rather than Jewish in order to ensure their survival during the war. However, given that Slovenia's Jewish Community has always been small, and that moveable property was limited (i.e., Slovenian Jews did not possess extensive art collections, religious relics, etc.) it will likely be several hundred records, not several thousand.

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¶13. (C) COMMENT: Nearly two years after Andrej Kozar Beck met with the GoS to discuss Jewish property restitution, the parties will come together again this spring with significantly more information (some of it conflicting). Initial conversations on the expanded inventory will determine whether or not the negotiating sides can reestablish confidence in each other's willingness to

negotiate in good faith, which has suffered somewhat over the years. The GoS and other interested parties are clearly looking to avoid the disastrous previous attempts to discuss the issue, which resulted in JCS leaders storming out of a high level meeting, allegations of anti-Semitism, and a long stalemate in negotiations. GoS officials seem ready to move on this issue, particularly as they begin planning for the spotlight of the EU Presidency in 2008, and are saying the right things. Kozar Beck appears to have changed little in the past two years and will continue to work for a large monetary settlement for his community. The dynamics of any negotiation discussion will be set by GoS and WJRO President Dan Mariaschin's decision about what parties are in (and outside) the room, and how local Jewish representatives from JCS are included in the negotiation and the settlement. If anyone feels slighted (particularly Kozar Beck) they have the possibility of seriously disrupting the talks and creating a public relations problem.

¶14. (C) COMMENT CONTINUED. Starman, who has extemporaneously rattled off details about dozens of cases in meetings with EmbOffs, appears to be more informed than anyone about the details of Jewish property in Slovenia. Likewise, the IES study that she and Ms. Sumi are authoring will likely be comprehensive and fact based. How the IES and MOJ reports will inform negotiations will depend on whether the GoS and the Jewish community negotiators decide to proceed by looking at individual cases or if they decide to pursue a more general settlement. Both Starman and Ronen stated that Kozar Beck is far less interested in getting the details right and far more interested in maximizing a monetary settlement for the community, regardless of what data that settlement is based on. Koren, with his talk of "returning" the Moskovic Vila (a property that Starman reports was legally sold by heirs of a Holocaust victim and is thus not relevant to Jewish communal restitution demands) shows that the GoS could potentially be convinced to develop a settlement that is more grounded in symbolism than in data (notwithstanding the potential double entendre such a move would cause given that the house is currently occupied by the opposition, and former communist, Social Democrats). Sorting out these issues with the GoS will almost certainly prove to be difficult, but the prospect of infighting within the JCS has the potential to derail all efforts to date. END COMMENT.

¶15. (U) Mr. Kennedy has reviewed this cable.  
ROBERTSON